

Appl. No. 10/736622
Amdt. Dated June 30, 2004
Reply to Office action of May, 12, 2004

REMARKS/ARGUMENTS

Information Disclosure Statement

Applicants filed an Information Disclosure Statement on March 23, 2004. The Office Action did not include a copy of the Information Disclosure Statement indicating that the Examiner had received and reviewed the listed references. The Applicants request that the Information Disclosure Statement be considered and that an initialed copy be returned to the Applicants.

New Claim

A new claim 6 has been added. The Applicants submit that this claim is supported at least by paragraph 22, (page 7, line 24 – page 8, line 6). Claims 1-6 are now pending.

Claims Rejections - 35 USC 102

Claims 1-3 and 5 were rejected as being anticipated by Cote '593. The Applicants respectfully transverse this rejection and submit that the Office Action fails to provide a *prima facie* case from all elements of these claims are provided in Cote '593.

The Office Action states that part (c) of claim 1, defining an aeration system, is met by the compressor 19 of Cote '593. The Office Action further states that a gas recirculation system to return collected gases to the aeration system is described in a variety of citations. However, none of these citations describe a system for returning collected gases to the aeration system defined in the Office Action or any other aeration system. In particular, column 4, lines 18-25 and column 3, lines 27-32 relate to ozone bubbles, not air from the compressor 19, and do not refer to recirculation of collected gases. Column 5, lines 53-55, refers to the addition of air into an ozone-injection circuit or separate circuits to improve the efficiency of washing and flotation operations but refer to air, not collected and recirculated gases. Column 4, lines 66 – column 5, line 13 describes details of the piping between an ozone injection means and the membranes, but does not describe any gas recirculation system as claimed. Column 7, lines 37-58, relates to liquid recirculation loops in tangential flow filtration systems, and a

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recirculating current of tank water, neither of which are a gas recirculation system. Figures 7 and 8 each fail to show a gas recirculation system, the pipe at the top of lid 12 in each not being connected to anything. Column 11, lines 32-62, describes a recirculation means 20 and loop 21, but these are for the recirculation of tank water, not collected gases. In summary, none of the cited references describes the combination of an aeration system and gas recirculation system as provided in claim 1.

Regarding claims 2 and 3, the hood 12 in Cote '593, is not shown to the extent required for anticipation as meeting the requirements of claims 2 and 3. For example, there are appreciable gaps between the top of the tank 1 and the hood 12 and one side of the tank 1 is further lowered to allow for the removal of floated matter 25. While the Applicants appreciate that the Figures in Cote '593 are schematic, that does not permit any desired limitation to be read into them. Further, Column 9, lines 3-5 merely state that the hood 12 is "set up above the reactor 12 and enables the recovery and destruction of the residual ozone coming from this reactor." This alone, and there is nothing more, does not disclose all elements of claims 2 and 3. Further, column 9, lines 3-5 states that the hood 12 is to facilitate the destruction of ozone, not its recirculation.

Regarding claim 5, while compressor 19 must have an inlet, Cote '593 does not describe an inlet to compressor 19 that permits the percentage of liberated gases which are collected to be varied. Further, the statement that the gas outlet of hood 12 is an exhaust is irrelevant because hood 12 is not part of a gas recirculation system and could not be if its gas outlet exhausted to the atmosphere as required by claim 5. Further, it would be counter to the teaching in Cote '593 to let ozone collected in the hood 12 exhaust to the atmosphere. Cote '593 also does not disclose hood 12 permitting the percentage of liberated gasses to be varied.

New claim 6 is also not anticipated because it depends on claim 1 and because it adds a further limitation not disclosed in Cote '593.

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Claim Rejections - 35 USC 103

Claim 4 was rejected as being obvious in view of Cote '593 and Key '637, Figure 3. The system of Key '637, Figure 3, is completely unlike any system in Cote '593. The Office Action states that a person skilled in the art would be tempted to combine these two references to achieve a more efficient use of ozonation gases as stated in Key, Column 6, lines 5-20. But Key solves these problems by creating a system inconsistent with that of Cote '593 (column 6, line 21 to column 8, line 51). Accordingly, the stated reason for combining these references is not sufficient to create a *prima facie* case of obviousness against the Applicants' claims. Rather, as discussed above, the Applicants submit that there is no disclosure in Cote '593 of all of the elements of claim 1. In particular, there is no disclosure of a gas recirculation system. Claim 4 further requires that the gas dryer accept recirculated gases and be upstream of the blower, whereas Cote '593 shows the compressor 19 receiving air directly from the atmosphere, and not from a recirculation system, as noted in the rejection of claim 5 on page 3 of the Office Action itself.

New claim 6 is also not made obvious by the cited references because Cote '593 does not disclose all of the elements of claim 1 and neither reference discloses the additional elements of claim 6.

For the reasons above, the Applicants submit that the claims are allowable.

Respectfully submitted,

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